

Remarks

This Amendment is in response to the Final Office Action mailed May 4, 2006. Claims 43-62 are pending in this application. Claims 43-50, 56-58, 61 and 62 have been rejected. Claims 51-55, 59 and 60 have been objected to, but contain allowable subject matter. Claims 43-46, 48, 51 and 56-61 have herein been amended, with Claims 44 and 48 having been re-written in independent form. Claims 47, 49-50, 52-55 and 62 remain unchanged.

Claims 43 and 51 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite, specifically with respect to a lack of antecedent basis for the term “jaw” in Claim 43, and with respect to a lack of positive identification of the term “a guide member” in Claim 51. Accordingly, Claim 43 has been amended to replace the term “jaw” with the term -- gripping mechanism --, and Claim 51 has been amended to positively recite the term “a guide member.” In view of the same, it is respectfully submitted that the rejected under 35 U.S.C. 112, second paragraph, has been overcome.

Claims 43, 45-48, 50 and 56 have been rejected under 35 USC 102 (b) as being anticipated by Moltrasio et al. (US Pat. No. 4,516,762). For the following reasons, the 102(b) rejection is respectfully traversed.

Moltrasio et al. differs in both structure and function from Applicants’ mailpiece feeder assembly, does not disclose the same elements (“identity of invention”) as Claims 43, 45-48, 50 and 56, and thus does not anticipate Claims 43, 45-48, 50 and 56 under the law pertaining to 35 U.S.C. §102. Moltrasio et al. discloses a system for picking up and separating bags from a pack to be applied to an automatic bag inserting apparatus. Moltrasio et al. does not relate to a mailpiece feeder apparatus and would be unsuitable for feeding mailpieces as does Applicants’ mailpiece feeder.

Moltrasio et al. uses a bag lifting device 6 to lift a bag into a concave position as seen in Figure 3. Moltrasio et al. then utilizes a plurality of unsticking bars 22, 22', 30 and 30', distinct from the lifting mechanism, to separate adjacent bags. The unsticking bars are inserted under the top bag in a closed position, and are then moved to an open position to separate the adjacent bags, as shown in Figure 4 (see Column 2, line 64 to Column 3, line 59). Unsticking bars 22 and 22' also have associated pads 26, 26' which pinch the edges of the bag, proximate the ends of the bag, when the unsticking bars 22 and 22' are moved to the opened position, to finally separate the bags and move the separated bag to a conveyor belt (Figure 4, Column 3, lines 2-13).

The Examiner states that it is inherent that Moltrasio et al.'s assembly is usable in a mailpiece feeding environment. However, this is not the case. Moltrasio et al. bag separating assembly would not be suitable in a mailpiece feeding environment due to unique problems associated with handling mailpieces, including the need to not damages the mailpieces while feeding, the need to be able to handle mailpieces of different sizes and shapes, and the need to feed the mailpieces at high rates of speed. Moltrasio et al.'s unsticking bars most likely would damage some or all of the mailpieces. Further, Moltrasio et al.'s unsticking bars could not grip shorter mailpieces which would not span between the unsticking bars 22 and 22' in their open position. Still further, Moltrasio et al. could not achieve the requisite high speed necessary in a mailpiece feeding environment, as the unsticking bars 22, 22', 30 and 30' have to be moved into position between bags to be separated, moved from a closed position to an opened position, and then moved back to the closed position and finally out from above the pack of bags to begin a new cycle, resulting in far too much feeding time to be useful in a mailpiece feeding environment.

It can be seen that Moltrasio et al. differs significantly from Applicants' mailpiece feeder, and would be incapable of feeding mailpieces in the same manner and achieving the same results as Applicants. Unlike Moltrasio et al., Applicants' lifting mechanism achieves the separation of the mailpieces, without the use of any unsticking bars. Further, Applicants mailpiece feeder has a separate gripping mechanism which grasps the mailpieces in a location central of the lifting mechanism, while Moltrasio et al. uses the unsticking bars to first separate the bags and then grip the bags at two distinct locations near the ends of the bags away from the lifting mechanism.

Accordingly, Moltrasio et al. fails to anticipate a lifting mechanism to selectively lift mailpieces from a stack of mailpieces and to completely separate the lifted mailpiece from the stack (Claim 43). Moltrasio et al.'s lifting mechanism does not completely separate the bags. Instead, the unsticking bars 22, 22', 30 and 30' are used to completely separate the bags. Moltrasio et al. also fails to anticipate a gripping mechanism which grips a mailpiece at a mailpiece grasping location central of the lifting mechanism (amended Claim 43).

Regarding Claim 45, amended Claim 45 includes the limitation of the lifting mechanism comprising, *inter alia*, at least two separator elements. Moltrasio et al. has only one pusher 13 in this regard.

Regarding Claim 46, amended Claim 46 includes the limitation that the at least two separator elements impart a generally convex distortion to the mailpiece being lifted. Moltrasio et al.'s one pusher imparts a concave distortion to the bag (see Figure 3).

Regarding Claims 48 and 50, Moltrasio et al. does not use a platform to support and advance a stack to the lifting mechanism. Instead, Moltrasio et al. uses a conveyor 3 to laterally move the stack under the lifting mechanism. This differs from a platform and generally would be unsuitable for moving a stack of mailpieces. Nonetheless, amended Claim 48 indicates that

the platform moves the stack in the first direction – in the same direction as movement of the lifting mechanism. Moltrasio et al. does not have this same movement. Regarding Claim 50, Moltrasio et al.'s conveyor is not positionable or re-positionable, meaning that it changes positions. Moltrasio et al. conveyor is fixed in one location, while merely rotating the conveyor belt. This is very different from the movement of Applicants' platform.

Regarding Claim 56, amended Claim 56 claims that the at least two separator elements are positionable between at least a first set position and a second set position. Moltrasio et al. does not have at least two separator elements, and the pusher 13 cannot be positioned in at least a first set position and a second set position.

For the above reasons, Moltrasio et al. does not anticipate Applicants' Claims 43, 45-48, 50 and 56 under 35 U.S.C. 102(b).

Claims 43-48, 50, 56 and 62 have been rejected under 35 USC 102 (b) as being anticipated by Emigh et al. (US Pat. No. 5,823,521). For the following reasons, the 102(b) rejection is respectfully traversed.

Emigh et al. differs in both structure and function from Applicants' mailpiece feeder assembly, does not disclose the same elements ("identity of invention") as Claims 43-48, 50, 56 and 62 and thus does not anticipate Claims 43-48, 50, 56 and 62 under the law pertaining to 35 U.S.C. §102. Emigh et al. discloses an apparatus and method for inserting mail (sheets of insert material) into envelopes. Emigh et al.'s picking station 19 (Figure 4) is used to pick individual sheets of film or paper material from the bottom of a stack to be inserted into an envelope (see Column 3, lines 42-51). Emigh et al. does not relate to a mailpiece feeder apparatus and would be unsuitable for feeding mailpieces as does Applicants' mailpiece feeder.

Emigh et al. uses hopper suction cup 37 to bend the front edge of an individual sheet 26 downward and away from the bottom of a stack 27. In this sense, the sheet 26 is not being lifted, i.e., there is no lifting mechanism. A separator foot 43 having a tip 44 is then rotated between an upper side of the sheet 26 and the remaining stack 27, at which time the suction cup is released. A gripper jaw assembly subsequently grasps the sheet 26 and pulls it from the stack (see Column 3, line 66 to Column 4, line 39).

It can be seen that Emigh et al. differs significantly from Applicants' mailpiece feeder, and would be incapable of feeding mailpieces in the same manner and achieving the same results as Applicants. Applicants' lifting mechanism lifts the mailpiece from the top of the stack and achieves the complete separation of the mailpiece, unlike Emigh et al. which only completely separates the insert sheet from the stack after being pulled by the gripper jaw.

Accordingly, Emigh et al. fails to anticipate a lifting mechanism to selectively lift mailpieces from a stack of mailpieces and to completely separate the lifted mailpiece from the stack (Claims 43 and 44). Emigh et al.'s suction cup 37 does not completely separate the insert sheet from the stack. Instead, the gripping jaw 23, 24 is used to completely separate the insert sheet. Emigh et al. also fails to anticipate a gripping mechanism removing a mailpiece from the lifting mechanism (Claims 43 and 44). Emigh et al.'s suction cup 37 is disengaged prior to use of the gripping jaw 23, 24. Further, with respect to Claim 44, while Emigh et al. discloses various sensors in the inserter machine, it is not believed that Emigh et al. anticipates specifically a plurality of sensors for controlling the suction cup 37 and a plurality of sensors for controlling the gripping jaw 23, 24, as in Applicants' mailpiece feeder. The Examiner has not specifically identified any such sensors, and is respectfully requested to identify the same.

Regarding Claim 45, amended Claim 45 includes the limitation of the lifting mechanism comprising, *inter alia*, at least two separator elements. Emigh et al. does not disclose any corresponding elements.

Regarding Claim 46, amended Claim 46 includes the limitation that the at least two separator elements impart a generally convex distortion to the mailpiece being lifted. Emigh et al.'s one separator foot 43 is independent and separate from the suction device 37 and does not imparts a convex distortion to a lifted mailpiece.

Regarding Claims 48 and 50, Emigh et al. does not use a platform to support and advance a stack to a lifting mechanism. It is not believed that Emigh et al. anticipates any corresponding moveable platform, as in Applicants' mailpiece feeder. The Examiner has not specifically identified any such platform, and is respectfully requested to identify the same.

Regarding Claim 56, amended Claim 56 claims that the at least two separator elements are positionable between at least a first set position and a second set position. Emigh et al. does not have at least two separator elements, and the foot 43 cannot be positioned in at least a first set position and a second set position.

For the above reasons, Emigh et al. does not anticipate Applicants' Claims 43-48, 50, 56 and 62 under 35 U.S.C. 102(b).

Claims 44, 57, 58, 61 and 62 have been rejected under 35 USC 103(a) as being unpatentable over Moltrasio et al. in view of Emigh et al. and in view of Willits et al. (US Pat. No. 4,958,824). For the following reasons, the 103(a) rejection is respectfully traversed.

The proposed combination does not make obvious Claims 44, 57, 58, 61 and 62. Moltrasio et al. and Emigh et al. differ from Applicants' claims as discussed above. Willits et al. is being used in the proposed combination to teach that sensors generally are used to

automatically verify and control the operations of lifting and gripping mechanisms. However, Willits et al. fails to make up for the above discussed deficiencies of Moltrasio et al. and Emigh et al., and as such, the proposed combination fails to make obvious Claims 44, 57, 58, 61 and 62. Further, Willits et al., and thus the proposed combination, fails to make obvious the specific plurality of sensors and their functions for both the lifting mechanism and the gripping mechanism as claimed in Applicants' Claims 44, 57, 58, 61 and 62.

Claim 49 has been rejected under 35 USC 103(a) as being unpatentable over Moltrasio et al. in view of Nelson (US Pat. No. 4,921,388). For the following reasons, the 103(a) rejection is respectfully traversed.

The proposed combination does not make obvious Claim 49. Moltrasio et al. differs from Applicants' claims as discussed above. Nelson et al. is being used in the proposed combination to teach a stack sensor for sensing the availability of sheets. However, Nelson et al. fails to make up for the above discussed deficiencies of Moltrasio et al., and as such, the proposed combination fails to make obvious Claim 49. Further, Nelson et al., and thus the proposed combination, fails to make obvious the claimed sensor for determining when the stack of mailpieces has reached the desired position as in Applicants' Claim 49. The Examiner has not specifically identified any such sensor, and is respectfully requested to identify the same.

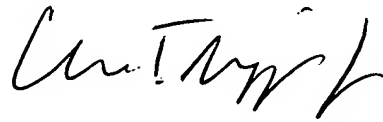
It is respectfully submitted that none of the prior art of record, either alone or in combination, fairly teaches, suggests or discloses the novel and unobvious features of Applicants claims as presented herein. Accordingly, Applicant respectfully asserts that the claims as presented herein are now in condition for allowance. An early notice allowance is respectfully requested.

Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicants. Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

PATULA & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read "Charles T. Riggs Jr.", written in a cursive style.

Charles T. Riggs Jr.

Reg. No. 37,430

Attorney for Applicants

PATULA & ASSOCIATES, P.C.
116 S. Michigan Avenue, 14th Floor
Chicago, Illinois 60603
(312) 201-8220

01C44